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10/816,724	04/01/2004	Arul Thangaraj	15467US02	1029

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EXAMINER

HOLDER, ANNER N

ART UNIT	PAPER NUMBER
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2621

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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,724	Applicant(s) THANGARAJ ET AL.	
	Examiner Anner Holder	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 19-27 define “An article of manufacture comprising a machine readable medium, said machine readable medium storing a plurality of executable instructions” embodying functional descriptive material. However, the claim does not define a computer-readable medium or computer-readable memory and is thus non-statutory for that reason (i.e., “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – MPEP 2106.01 I). The scope of the presently claimed invention encompasses products that are not necessarily computer readable, and thus NOT able to impart any functionality of the recited program. The examiner suggests amending the claim(s) to embody the computer program on “computer-readable medium” or equivalent; assuming the specification does NOT define the computer readable medium as a “signal”, “carrier wave”, or “transmission medium” which are deemed non-statutory (refer to “note” below). Any amendment to the claim should be commensurate with its corresponding disclosure.

Note:

A “signal” (or equivalent) embodying functional descriptive material is neither a process nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory

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classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Should the full scope of the claim as properly read in light of the disclosure encompass non-statutory subject matter such as a "signal", the claim as a whole would be non-statutory. In the case where the specification defines the computer readable medium or memory as statutory tangible products such as a hard drive, ROM, RAM, etc, as well as a non-statutory entity such as a "signal", "carrier wave", or "transmission medium", the examiner suggests amending the claim to include the disclosed tangible computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc.

Specification

2. The disclosure is objected to because of the following informalities: Examiner objects to "There is one BTP [Inventor Question: what does this stand for?] command" Applicant's specification page 12 paragraph 0045 line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 2, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Malladi et al. (Malladi) US 5,815,206.

5. As to claim 1, Malladi teaches a method for decoding video data, [Abstract; Col. 1 Lines 24-28; Col. 2 Lines 61-63; Fig. 4] said method comprising: writing one or more start codes to a start code table; [Fig. 4; Col. 4 Lines 25-29; Col. 15 Lines 45-46] and writing presentation time information to the start code table. [Col. 15 Lines 34-39, 54-56]

6. As to claim 2, Malladi teaches presentation time information comprises a presentation time stamp. [Col. 15 Lines 34-39, 54-56]

7. As to claim 19, see rejection of claim 1, except this is a claim to an article of manufacture with the same limitations as claim 1.

8. As to claim 20, see rejection of claim 2, except this is a claim to an article of manufacture with the same limitations as claim 2.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-7, 10-15, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malladi et al. (Malladi) US 5,815,206 in view of Hoogenboom US 5,566,089.

11. As to claim 3, Malladi teaches writing decoding time information to the start code table. [Fig. 4; Col. 4 Lines 25-29; Col. 15 Lines 34-39, 45-46, 54-56]

Malladi does not specifically teach the decoding time information.

Hoogenboom teaches decoding time information. [Col. 5 Lines 40-41; Col. 6 Line 21]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hoogenboom's decoder with the decoder of Malladi, giving indication of when the picture must be decoded.

12. As to claim 4, Malladi (modified by Hoogenboom) teaches the decoding time information comprises a decoding time stamp. [Malladi - Col. 15 Lines 34-39, 45-46, 54-56; Hoogenboom - Col. 5 Lines 40-41; Col. 6 Line 21]

13. As to claim 5, Malladi (modified by Hoogenboom) teaches the start code table [Fig. 4; Col. 15 Lines 34-39, 54-56] comprises a plurality of data words and wherein writing one or more start codes further comprises writing a plurality of start codes to a particular one of the plurality of data words. [Malladi - Col. 15 Lines 34-39, 45-46, 54-56; Hoogenboom - Col. 2 Line 13]

As to claim 6, Malladi (modified by Hoogenboom) teaches the plurality of start codes comprises a slice start code and a non-slice start code. [Malladi - Col. 10; Lines 63-67; Col. 11 Lines 3-9; Fig. 1B]

14. As to claim 7, Malladi (modified by Hoogenboom) teaches writing a command to the start code table. [Malladi - Fig. 4; communicates with start code table writing commands is obvious]

15. As to claim 10, Malladi teaches A circuit for decoding video data, [Malladi - Abstract; Col. 1 Lines 24-28; Col. 2 Lines 61-63; Fig. 4] said circuit comprising: a start code table for storing start codes, the start code table comprising a plurality of data words; and a video transport processor [Malladi - Fig. 4 (417)] for writing a plurality of start codes [Malladi - Col.

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15 Lines 34-39, 45-46, 54-56] to a particular data word in the start code table. [Hoogenboom – Col. 2 Line 13; Fig. 4; Col. 15 Lines 34-39, 54-56]

16. As to claim 11, Malladi (modified by Hoogenboom) teaches the plurality of start codes comprises a slice start code and a non-slice start code. [Malladi – Col. 10; Lines 63-67; Col. 11 Lines 3-9; Fig. 1B]

17. As to claim 12, Malladi (modified by Hoogenboom) teaches the video transport processor [Malladi – Fig. 4 (417)] writes presentation time information to the start code table.

As to claim 13, Malladi (modified by Hoogenboom) teaches the presentation time information comprises a presentation time stamp. [Malladi – Col. 15 Lines 34-39, 54-56; Hoogenboom – Col. 6 Lines 18-21]

18. As to claim 14, Malladi (modified by Hoogenboom) teaches the video transport processor writes decoding time information to the start code table. [Malladi – Fig. 4; Col. 4 Lines 25-29; Col. 15 Lines 34-39, 45-46, 54-56; Hoogenboom – Col. 5 Lines 40-41; Col. 6 Line 21]

19. As to claim 15, Malladi (modified by Hoogenboom) teaches the decoding time information comprises a decoding time stamp. [Malladi – Fig. 4; Col. 4 Lines 25-29; Col. 15 Lines 34-39, 45-46, 54-56; Hoogenboom – Col. 5 Lines 40-41; Col. 6 Line 21]

20. As to claim 21, see rejection of claim 3, except this is a claim to an article of manufacture with the same limitations as claim 3.

21. As to claim 22, see rejection of claim 4, except this is a claim to an article of manufacture with the same limitations as claim 4.

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22. As to claim 23, see rejection of claim 5, except this is a claim to an article of manufacture with the same limitations as claim 5.

23. As to claim 24, see rejection of claim 6, except this is a claim to an article of manufacture with the same limitations as claim 6.

24. As to claim 25, see rejection of claim 7, except this is a claim to an article of manufacture with the same limitations as claim 7.

25. Claims 8-9, 16-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malladi et al. (Malladi) US 5,815,206 in view of Hoogenboom US 5,566,089 further in view of Forecast et al. (Forecast) US 7,096,481 B1.

26. As to claim 8, Malladi (modified by Hoogenboom) teaches the limitations of claim 7, writing a to the start code table. [Malladi – Fig. 4; Col. 4 Lines 25-29; Col. 15 Lines 34-39, 45-46, 54-56]

Malladi (modified by Hoogenboom) does not specifically teach a reference clock offset.

Forecast teaches a reference clock offset. [Fig. 40; Col. 20 Lines 7-9, 23-26]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Forecast with the decoding device of Malladi modified by Hoogenboom, allowing for correction in timing through the use of the clock offset.

27. As to claim 9, Malladi (modified by Hoogenboom and Forecast) teaches the command Malladi - Fig. 4; communicates with start code table writing commands is obvious] and the reference clock offset [Forecast - Fig. 40; Col. 20 Lines 7-9, 23-26] are written to another

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particular one of the plurality of data words. [Hoogenboom – Col. 2 Line 13; Fig. 4; Col. 15 Lines 34-39, 54-56]

28. As to claim 16, see rejection of claim 8, except this is a claim to a circuit with the same limitations as claim 8.

29. As to claim 17, see rejection of claim 7, except this is a claim to a circuit with the same limitations as claim 7.

30. As to claim 18, see rejection of claim 9, except this is a claim to a circuit with the same limitations as claim 9.

31. As to claim 26, see rejection of claim 8, except this is a claim to an article of manufacture with the same limitations as claim 8.

32. As to claim 27, see rejection of claim 9, except this is an article of manufacture to a circuit with the same limitations as claim 9.

Conclusion

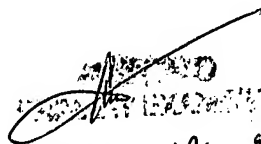
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anner Holder whose telephone number is 571-270-1549. The examiner can normally be reached on M-Th, M-F 8 am - 3 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANH 08/23/07


ACTING SPC 8/31/07